

JASON M. FRIERSON
United States Attorney
Nevada Bar Number 7709
BIANCA R. PUCCI
Assistant United States Attorney
Nevada Bar Number 16129
District of Nevada
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
Bianca.Pucci@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS HOOVER,

Defendant.

Case No. 2:20-cr-00273-JCM-BNW

**Motion to Extend Filing of the
Objections to the Report and
Recommendation (First Request)**

Certification: This motion is timely.

The government seeks a one-week extension to file its objections to the report and recommendation recommending this Court grant defendant's motion to suppress. *See* ECF No. 87.

II. BACKGROUND

On October 6, 2020, Hoover was indicted and charged with one count of *Felon in Possession of a Firearm*, in violation of 18 U.S.C. § § 922(g)(1) and 924(a)(2). ECF No. 1. On January 31, 2022, Hoover filed a motion to suppress. ECF No. 54. On February 28th, the government filed its response. ECF No. 62. On March 14th, Hoover filed his reply. ECF No. 68. On April 19th, an evidentiary hearing was held on the motion to suppress. ECF

1 No. 71. On May 19th, Hoover and the government simultaneously filed supplemental
2 briefing on the motion to suppress. ECF No. 80 and 81.

3 Subsequently, the initial government attorney who litigated the motion to dismiss
4 was re-assigned to the District of Columbia for a detail assignment. On May 25th, the
5 undersigned government attorney filed a notice of appearance. ECF No. 82. On July 13th,
6 the Magistrate Court entered its Report and Recommendation on the motion to suppress,
7 recommending this Court grant Hoover's motion to suppress. ECF No. 87. The deadline
8 for the objections to be filed is currently scheduled for July 27th. The government intends
9 to file objections to the report and recommendation. However, the undersigned
10 government counsel was out of the office from July 15th through July 20th and was
11 unable to review the filings and transcript of proceedings on the motion to suppress until
12 they returned.

13 On July 20th, Hoover filed a Motion to Reopen Detention Hearing. ECF No. 89.
14 On July 21st, the Magistrate Court ordered the government to file its response to the
15 motion to reopen detention on an expedited basis, setting the deadline for Monday July
16 25th. ECF No. 90. The Court also ordered a hearing to be held on Wednesday July 27th.
17 ECF No. 90. The undersigned counsel is scheduled to be in Reno, Nevada on Monday
18 July 25th on work-related travel, but still intends to file its response to the motion to
19 reopen detention on Monday. The government requested Hoover agree to a stipulation to
20 continue the government's objections to the report and recommendation due to the
21 expedited litigation schedule for the second motion and to allow the newly assigned
22 government attorney time to adequately prepare its objections to the report and
23 recommendation. Defense counsel indicated she could not stipulate to a continuance but
24 would not oppose a motion to continue. Defense counsel indicated she would not agree to

1 the government filing the instant motion “unopposed,” but that she would indicate in her
2 response that she does not oppose the government’s request and would defer to the court.

3 Trial is currently scheduled for September 26, 2022. ECF No. 88.

4 **III. POINTS AND AUTHORITIES**

5 Under Local Rule IB 3-2, any party wishing to object to a magistrate judge’s
6 findings recommendations within 14 days after service of the findings and
7 recommendation. Under Local Rule IA 6-1, a party may seek extension of time through a
8 motion. This is the first motion to extend the deadline to file objections to a report and
9 recommendation.

10 The current government attorney was not the original assigned attorney who
11 litigated the motion to suppress. The newly assigned government attorney needs
12 additional time to review the motion, response, reply, evidentiary hearing transcript, and
13 supplemental briefing by both parties, to adequately research legal issues presented in the
14 report and recommendation, and to draft and file its objections to the report and
15 recommendation. Due to previously scheduled travel, the government attorney was out of
16 the office from July 15th through July 20th. While the government was still out of the
17 office, Hoover filed a motion to reopen detention hearing. The following day, the Court
18 set an expedited briefing and hearing schedule on the motion to reopen detention.
19 Government counsel will also be out of the district on Monday, July 25th for another
20 work-related trip. The government is not seeking a continuance to delay the proceedings,
21 but simply needs additional time to review the case thoroughly, properly research the legal
22 issues, and effectively draft its objections to the report and recommendation. Defense
23 counsel has indicated she will defer to the Court in its determination and does not actively
24 oppose this motion.

1 **IV. CONCLUSION**

2 For all of the above reasons, the government respectfully requests this Court grant
3 it's motion for a one-week extension to file its objections to the report and
4 recommendation.

5 DATED this 22nd day of July, 2022.

6 JASON M. FIRERSON
7 United States Attorney

8 */s/ Bianca R. Pucci*

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BIANCA R. PUCCI
Assistant United States Attorney

10 **ORDER**

11 **IT IS SO ORDERED**

12 **DATED:** 3:31 pm, July 26, 2022

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14 **BRENDA WEKSLER**
15 **UNITED STATES MAGISTRATE JUDGE**
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